

**REMARKS**

Claims 1-17 are pending in the application.

Claims 16 and 17 are withdrawn from consideration.

The claims are amended, and, thus, the pending claims remain for reconsideration, which is requested. No new matter is added in this Amendment.

Regarding 35 U.S.C. §101

Claim 15 is rejected under 35 USC 101 for being directed to non-statutory subject matter. However, claim 15 is a 'computer readable recording medium' type claim. MPEP 2106.1 expressly provides that 'When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases.' Thus, the Office Action appears to assert that claim 15 is directed to non-functional descriptive material. However, the language of claim 15 provides "disclosing an outline **distributing by the contents distribution unit through a digital medium a digest of digital displayable contents displayed** to one or more audiences to be distributed through a digital medium to audiences; **allowing the audiences, as sponsors, to bid** for becoming an advertisement tenant to be in one or more of the digital contents displayed as a scenario digest of multimedia content, in the disclosed digital displayable contents when displaying the multimedia content digital displayable contents; **determining a winning sponsor** for the advertisement tenant from among bidding sponsors, according to a highest bid price by a sponsor; **updating the digital displayable contents to contain the advertisement tenant, ...** and **distributing the multimedia content including the completed digital displayable contents as the scenario digest with the advertisement tenant,**" all of which are functional descriptive material of distributing, bidding, winning sponsor determining and updating as recorded on computer readable recording medium, and, thus statutory subject matter as provided by MPEP 2106.01. Withdrawal of the 35 USC 101 rejection is requested.

Regarding 35 U.S.C. §112

Claims 3-7 and 9-10 are rejected under 35 USC 112, second paragraph, as being definite for being 'replete with grammatical and idiomatic errors.' However, the Office Action does not provide reasoning or identify any grammatical or idiomatic errors, and after a review of these claims, grammatical or English idiomatic errors have not been found. Further, the

dependent claims are amended to improve form. Withdrawal of the indefiniteness rejection is requested.

Regarding 35 U.S.C. §102(a)

Claims 1-15 are rejected under 35 USC 102(a) as being anticipated by Giacalone (US Publication no. 2001/005200). Giacalone paragraph 19 discusses auctioning advertising time and paragraph 53 and FIG. 6 discuss a media content wizard to create advertisement content based upon a listing of standard graphics and movies. Claim 1 is amended to require the limitations “~~disclosing an outline~~ **distributing by the contents distribution unit through a digital medium a digest of digital displayable contents displayed** to one or more audiences to be distributed through a digital medium to audiences; **allowing the audiences, as sponsors, to bid** for becoming **an advertisement tenant to be in one or more of the digital contents displayed as a scenario digest of multimedia content, in the disclosed digital displayable contents** when displaying the ~~multimedia content~~ digital displayable contents; ... **updating the digital displayable contents to contain the advertisement tenant, ... and distributing the multimedia content including the completed digital displayable contents as the scenario digest with the advertisement tenant.**” For example, the present application FIG. 2; page 1, lines 6-9 ‘... determining a sponsor of an advertisement tenant contained in contents ... such as the Internet, a digital TV, by auction’; page 6, line 10 to page 7, line 16; and page 9, line 10 to page 10, line 16; support the claims.

Giacalone cannot support a prima facie case of anticipation by failing to disclose either expressly, or inherently by failing to necessarily require, each and every element of claim 1, namely “**distributing ... a digest of digital contents displayed to one or more audiences** to be distributed through a digital medium to audiences; **allowing the audiences, as sponsors, to bid** for becoming **an advertisement tenant to be in one or more of the digital contents displayed as a scenario digest of multimedia content, in the disclosed digital displayable contents** when displaying the ~~multimedia content~~ digital displayable contents.” Withdrawal of the rejection of claim 1 and allowance of claim 1 is requested.

Claim 15 is amended to require limitations similar to the discussed limitations of claim 1. The remaining dependent claims inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for the reasons discussed above in addition to the additional features recited therein.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
STAAS & HALSEY LLP

/Mehdi D. Sheikerz/

Date: April 21, 2009 By: \_\_\_\_\_  
Mehdi D. Sheikerz  
Registration No. 41,307

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501